

1 MS. LANCASTER: He was going to make -- I did not
2 know there was going to be an issue of how we received
3 Exhibit No. 7, and that Exhibit No. 7 has got more documents
4 in it than what we actually received from Mr. Brasher at the
5 deposition, but we in fact received the probate court
6 documents from Mr. Brasher at his deposition. And I just
7 wanted to point that out through refreshing his memory by
8 looking at his deposition.

9 MR. ROMNEY: Your Honor, if I could just -- just
10 to get on the record on this issue, I withdraw my
11 stipulation that Exhibit 86 of the deposition of Mr. Brasher
12 is identical to Exhibit No. 7 of the Enforcement Bureau in
13 this particular case. I think that's the import of what
14 we're saying here.

15 MS. LANCASTER: Yes.

16 MR. ROMNEY: This Exhibit 7 has more documents in
17 it than Exhibit 86 did at his deposition.

18 MS. LANCASTER: Okay.

19 BY MS. LANCASTER:

20 Q Let me show you the original Exhibit No. 86 which
21 was submitted at your deposition.

22 A Did you --

23 Q Oh, yeah, keep that open too -- on December 5,
24 2000. Did you look at page -- the page that I asked you to,
25 Mr. Brasher? That's our page 95, your page 235 of a copy of

1 the deposition transcript?

2 I believe it says, "Mr. Brasher, what you have
3 handed me and what has been marked as Exhibit 86 appears to
4 be a petition that was filed in the probate court in which
5 you applied to be the appointed -- to be appointed as the
6 guardian of the estate of O. C. Brasher; is that correct?"

7 A What you have read right there?

8 Q Yes.

9 A Correct.

10 Q Okay. And your response was, "That -- that's what
11 the desire, what my dad wanted to happen."

12 A Correct.

13 Q So does that refresh your memory as to how we
14 obtained the documents from -- the probate records?

15 A These two sheets here added does.

16 Q Okay.

17 JUDGE STEINBERG: When you say "these two sheets
18 here," let me point that you are referring to --

19 THE WITNESS: To exhibit --

20 JUDGE STEINBERG: -- Deposition Exhibit 86, the
21 first two pages.

22 BY MS. LANCASTER:

23 Q So those that documents -- that document was
24 handed to the Commission in response to the Commission's
25 question to you as to how you had authority to sign the name

1 of O. C. Brasher to documents after O. C. Brasher was dead;
2 is that -- is that correct?

3 MR. ROMNEY: Objection to the form of the
4 question. Misstates prior testimony, Your Honor.

5 JUDGE STEINBERG: You didn't cover that in your --
6 I mean, is there a page of the deposition that you can point
7 to?

8 MS. LANCASTER: There are several pages of the
9 deposition, Your Honor.

10 JUDGE STEINBERG: And your question is asked --
11 answered and asked, asked and answered? Well, sometimes I
12 can answer before the question is asked.

13 MS. LANCASTER: We can go back several pages in
14 the deposition, but let me see if I can just cover it more
15 quickly by asking --

16 JUDGE STEINBERG: Well, what you can do is, if
17 this is for impeachment purposes, just read the deposition
18 question and answers in the record and leave it at that, and
19 don't ask anything. Let Mr. Romney earn his keep. No
20 offense intended.

21 MR. ROMNEY: Well, I would -- I will certainly ask
22 the Court for permission, in the interest of optimal
23 completeness --

24 JUDGE STEINBERG: Sure you can --

25 MR. ROMNEY: -- supplement with another portion

1 here.

2 JUDGE STEINBERG: Of course.

3 MR. ROMNEY: Page 98.

4 JUDGE STEINBERG: Or if you want to just do that
5 later, just you agree on what pages you want, and Mr. Romney
6 agrees on what pages he wants, and then we can make it an
7 exhibit. That way I can read it and not hear it. Or if you
8 want to do it both ways, that's fine with me too.

9 (Pause.)

10 BY MS. LANCASTER:

11 Q Mr. Brasher, is your memory refreshed as to how
12 the documents in Exhibit 7 were received by the Commission?

13 MR. ROMNEY: Objection, Your Honor. Lacks
14 foundation.

15 JUDGE STEINBERG: By reading portions of the
16 deposition that Ms. Lancaster asked you to read and looking
17 at the exhibits she asked you to look at, do you remember
18 better now as to how the Bureau got Exhibit 7?

19 THE WITNESS: I'm still not for sure. I mean,
20 your question --

21 MS. LANCASTER: I believe I asked --

22 JUDGE STEINBERG: His memory is not refreshed.

23 MS. LANCASTER: Okay.

24 JUDGE STEINBERG: Is that correct?

25 THE WITNESS: That's correct, sir. Yes.

1 BY MS. LANCASTER:

2 Q If you will look on page -- since the page numbers
3 are different, it's difficult. Page 9 is page 93. Yours
4 would be page 233 of the December 5, 2000, deposition
5 transcript. Line 24 reads --

6 A Yes, Judy.

7 Q Question to you, "I believe you also have
8 indicated that you were actually appointed by a court to
9 handle the estate of O. C. Brasher."

10 We're on the next page.

11 A Yes.

12 Q You replied, "Yes."

13 Question: "Did you ever bring those documents, I
14 had asked you and you had agreed?"

15 Answer: "Yes. You have a copy of them."

16 Question: "Where are they?"

17 Answer: "I do not know where your copy is. I
18 know where mine is."

19 Question: "There has never been a copy presented
20 to me since we have been here."

21 Answer: "I know it was sent to -- it was -- I
22 know I sent it to be sent to you. It's probably in your
23 stuff coming from Schwaninger's because I sent it back about
24 a month ago."

25 Interjection by Mr. Higgs: "Why don't you just

1 put this in for the record?" (Handing a document.)

2 Ms Lancaster: "Certainly. Do you have an exhibit
3 number we can put on this?"

4 "The document referred to is marked for
5 identification so Ronald Brasher Exhibit 86."

6 Witness: "And that file could have been sent to
7 you even before last month or so."

8 Ms Lancaster: "Okay. Let me look at it for one
9 moment."

10 "Perusing document."

11 Ms. Lancaster: Question: "Mr. Brasher, what you
12 have handed me and what has been marked as Exhibit 86
13 appears to be a petition that was filed in the probate court
14 in which you applied to be appointed as the guardian of the
15 state of O. C. Brasher; is that correct?"

16 Answer: "That's what the desire -- what my dad
17 wanted to happen."

18 Well, I guess I will just read the rest.

19 Question: "And this petition was filed -- let me
20 strike that. I'm not sure when this petition was filed. Is
21 there a date on it."

22 "Perusing document."

23 "It appears that there is a date of -- it says the
24 petition of Ronald D. Brasher was filed in the court on the
25 15th day of December, 1989. Is that when you recall this

1 petition being filed with the probate court?"

2 Answer: "That's correct."

3 "Were you ever appointed the guardian ad litem of
4 O. C. Brasher?"

5 Answer: "I have to assume I was, ma'am."

6 Question: "Did you ever receive an order, a copy
7 of an order from the probate court appointing you as his
8 guardian?"

9 Answer: "There is a large file still. I don't
10 have it with me. I don't have it with me, but I do have a
11 large file on --"

12 Question: "Your attorney in this matter was
13 Richard Shiro; is that correct?"

14 Answer: "Yes, ma'am."

15 Question: "Did he ever tell you that you were
16 appointed the guardian?"

17 Answer: "Since '89, I don't remember, ma'am."

18 Question: "Was -- O. C. Brasher was not dead in
19 1989, was he?"

20 Answer: "No."

21 Question: "Do you ever know -- do you know what
22 the outcome of this petition -- the outcome was of this
23 petition at all?"

24 Answer: "I assume it went through exactly like it
25 is."

1 Does that refresh your memory at all, Mr. Brasher?

2 A Yes. This conversation we had at that time, yes.

3 Q Okay. Do you recall now relying --

4 your indicating to me during your deposition that you were
5 relying on the probate court records as giving you authority
6 to act on behalf of O. C. Brasher?

7 MR. ROMNEY: Objection, Your Honor. The question
8 lacks foundation and calls for speculation and based upon
9 incomplete testimony of this witness.

10 Request in the interest of optimal completeness
11 that counsel be required to read additional portions of the
12 record to the witness to clarify what he testified to this
13 deposition.

14 JUDGE STEINBERG: Okay, the objection is sustained
15 because from your reading of the questions and answers Mr.
16 Brasher didn't say in his deposition that he was relying on
17 the material that you talked about in the deposition as his
18 authority to act on behalf of O. C. Brasher. I mean, he
19 didn't say that, I don't think.

20 MS. LANCASTER: Okay.

21 BY MS. LANCASTER:

22 Q Mr. Brasher --

23 JUDGE STEINBERG: And do you want to --

24 MR. ROMNEY: Well, Your Honor, I point out --

25 JUDGE STEINBERG: -- add material to --

1 MR. ROMNEY: Yes, I would.

2 JUDGE STEINBERG: -- what was ready?

3 MR. ROMNEY: Yeah, please.

4 JUDGE STEINBERG: In the same place.

5 MR. ROMNEY: Yes, I appreciate that.

6 I refer the Court to my page 97, I am not sure
7 what the --

8 JUDGE STEINBERG: Oh, I don't have any --

9 MR. ROMNEY: -- corrected page is. I will begin
10 reading at line 10.

11 Question: "If this says the estate of O. C.
12 Brasher, an incapacitated person, what is your understanding
13 of that term "incapacitated?"

14 Answer: "That he was not able to live by himself
15 and take care of himself."

16 Question: "But you don't know if anything was
17 ever --"

18 Answer: "There is probably additional parts of
19 that file."

20 Question: "Okay. You've never seen them?"

21 Answer: "Yes, I have it."

22 Question: "Oh, you have an order from the probate
23 court?"

24 Answer: "I don't know what. There is a big,
25 thick file there and I've got it at the house."

1 "Will you provide me a copy of it through Mr.
2 Higgs?"

3 "'We'll provide copies to counsel,' Mr. Higgs
4 said."

5 Question: "Yes." Or answer: "Yes," by the
6 witness.

7 Then on page 98, paragraph seven or excuse me,
8 line 7, "Mr. Brasher, again, I'm going to request that you
9 provide me with copies of any court order appointing you
10 guardian or appointing you administrator of the estate of O.
11 C. Brasher. Is it your understanding you have already
12 supplied that to counsel to provide to me?"

13 Answer: "No."

14 Your Honor, I point that out for the issue that a
15 durable power of attorney is not a court order. If the
16 question and the inquiry directed by the Commission to Mr.
17 Brasher was court orders, and they're talking all about this
18 estate of O. C. Brasher, that does not include a durable
19 power of attorney, or perhaps clearly in the mind of a non-
20 law school educated witness, he would certainly not indicate
21 perhaps that this is a court order.

22 And I only point that out for the fact that what
23 has been requested of this witness was very specific. What
24 they provided is in an effort to make sure that everybody is
25 clear here, that there was a durable power of attorney, and

1 frankly, the documentation isn't as important as the fact
2 that Mr. Brasher, Ron Brasher, was acting and understood
3 through whatever legal machinations there were that he had
4 the authority to act in his father's name, whether by
5 durable power of attorney, whether by estate. I don't know
6 to the average law person that means anything. I don't know
7 if they make any distinction. And certainly I doubt that
8 the witness made that distinction.

9 I'm just trying to point out that if we are trying
10 to establish for you, Your Honor, and I think we are, that
11 Mr. Brasher understood in good faith that he had the
12 authority or the understanding that he had the authority to
13 operate on behalf of his dad's name, that's the question, I
14 think that's the inquiry that the Court is trying to make,
15 and I certainly suggest that this particular document will
16 assist the Court in arriving at that conclusion, and may
17 assist the witness in remembering the state of his mind as
18 he did these things.

19 JUDGE STEINBERG: Okay, let's move on.

20 MS. LANCASTER: Your Honor, I would like to
21 introduce another exhibit, which would be the copies of the
22 probate court records that were referenced in the deposition
23 sections that we just read. They were referred to in the
24 deposition as Ronald Brasher Exhibit 86.

25 I don't know what -- I assume that --

1 JUDGE STEINBERG: We'll call it Ronald Brasher
2 Deposition Exhibit 86, and we'll give it our own number, and
3 your next number is 67.

4 MR. ROMNEY: I believe that's been used by us.

5 JUDGE STEINBERG: No, you get to renumber again.
6 You start from one.

7 MR. ROMNEY: Okay. Well, we were just trying to
8 prevent doubles of numbers.

9 JUDGE STEINBERG: No, we can doubles of numbers.
10 It keeps things interesting.

11 We'll make this EB Exhibit 67.

12 (The document referred to was
13 marked for identification as
14 Enforcement Bureau Exhibit No.
15 67.)

16 MS. LANCASTER: One, two, three, four, five, six,
17 seven and eight, nine pages.

18 JUDGE STEINBERG: I have seven pages. No, I
19 missed one.

20 MS. LANCASTER: One, two, three, four --

21 JUDGE STEINBERG: I missed two.

22 MS. LANCASTER: -- five, six, seven, eight, I have
23 nine pages, Your Honor. Wait a minute, I have something
24 sticking up here.

25 JUDGE STEINBERG: This really shouldn't be this

1 difficult.

2 Does everybody have a total of nine pages?

3 MR. ROMNEY: I don't have one.

4 JUDGE STEINBERG: There are little pages, there
5 are eight and a half by 11 pages, eight and a half by 14
6 pages.

7 (Pause.)

8 MS. LANCASTER: We will have to make some
9 additional --

10 JUDGE STEINBERG: Okay, let's make sure everybody
11 has got -- do you have nine pages, Mr. Pedigo?

12 MR. PEDIGO: Yes.

13 MS. LANCASTER: We didn't make enough copies.
14 He's going to have to go make additional copies, Your Honor.

15 JUDGE STEINBERG: Well, why don't you --

16 MS. LANCASTER: Everyone has seen this exhibit
17 because everyone was given the exhibits from the deposition.

18 MR. WILSON: We have nine, Judge.

19 JUDGE STEINBERG: You have nine?

20 (Pause.)

21 JUDGE STEINBERG: Does Mr. Romney?

22 (Pause.)

23 MR. ROMNEY: I've got eight.

24 JUDGE STEINBERG: Check the eight and a half by 11
25 pages because on my copy they stuck together.

1 MR. ROMNEY: Oh, eight and a half by 11.

2 JUDGE STEINBERG: Yes.

3 MR. SCHWANINGER: We've got five eight and a half
4 by 11 and three legal.

5 JUDGE STEINBERG: Okay.

6 (Pause.)

7 JUDGE STEINBERG: Why don't you --

8 MR. ROMNEY: Request permission to confer?

9 JUDGE STEINBERG: Sure.

10 MS. LANCASTER: He's making another copy, but here
11 is the copy he has.

12 MR. ROMNEY: That's all. No objection, Your
13 Honor.

14 JUDGE STEINBERG: Mr. Pedigo?

15 MR. PEDIGO: No objection.

16 JUDGE STEINBERG: Okay, then Bureau Exhibit 67 is
17 received.

18 (The document referred to,
19 previously identified as
20 Enforcement Bureau Exhibit No.
21 67, was received in evidence.)

22 BY MS. LANCASTER:

23 Q Mr. Brasher, back to Exhibit 21, No. 6, which is
24 what we were originally talking about?

25 MR. ROMNEY: Twenty-one?

1 MS. LANCASTER: No. Twelve. I'm sorry. Twelve.
2 I'm looking at it backwards.

3 JUDGE STEINBERG: Wait. Exhibit 19?

4 MS. LANCASTER: Oh, yes, 19. Yes, I'm sorry. I'm
5 sorry. I'll get it correct in a moment. Nineteen.

6 THE WITNESS: Are we through with this?

7 MS. LANCASTER: For now, yes.

8 JUDGE STEINBERG: You can just leave it there.

9 BY MS. LANCASTER:

10 Q I believe it was your testimony that when you
11 referred in paragraph three of No. 6 that "All other
12 licensees participating in the management agreements with
13 DLB have provided substantial direction and supervision,"
14 it's your testimony that even though O. C. Brasher was dead
15 that you had authority to participate on his behalf; is that
16 correct?

17 A That's correct.

18 JUDGE STEINBERG: You mean participate or manage?

19 MS. LANCASTER: Either.

20 BY MS. LANCASTER:

21 Q And that your decisions would be considered his
22 decisions; is that --

23 A That's correct.

24 Q Okay. In the first paragraph on No. 6, the last
25 sentence of that paragraph where it says, "Identify each

1 licensee that does not review the station operation reports
2 and/or give directions to Mr. Brasher," meaning you, "for
3 improvement or for corrections of problems," did you not
4 think that that sentence -- to correctly respond to that
5 sentence you needed to name O. C. Brasher?

6 A O. C. Brasher/Ronald Brasher?

7 I'd be directing myself to do it, Judy, and that's
8 what I assumed I would be doing.

9 Q So you didn't feel that that made you -- that that
10 sentence called for a response on your part that O. C. was
11 deceased?

12 A That's correct.

13 JUDGE STEINBERG: O. C. was the licensee; you
14 weren't, of O. C. station.

15 THE WITNESS: O. C. was the license of his
16 station.

17 JUDGE STEINBERG: Of his station. But at the time
18 that this Exhibit 19 was written O. C. was not living.

19 THE WITNESS: Correct.

20 BY MS. LANCASTER:

21 Q And --

22 JUDGE STEINBERG: So --

23 MS. LANCASTER: I'm sorry.

24 JUDGE STEINBERG: -- O. C. could not possibly have
25 reviewed station operations report or given you directions

1 with respect to that station; is that true?

2 THE WITNESS: But if -- no. If I was --

3 JUDGE STEINBERG: It's not true?

4 THE WITNESS: That's not --

5 JUDGE STEINBERG: How does O. C. give you

6 directions --

7 THE WITNESS: Through the power --

8 JUDGE STEINBERG: -- if he's not living?

9 THE WITNESS: Through the power of attorney.

10 JUDGE STEINBERG: The power of attorney?

11 THE WITNESS: Yes.

12 JUDGE STEINBERG: But he died, right?

13 THE WITNESS: Yes, sir.

14 JUDGE STEINBERG: What happens to power -- do you

15 know what happens to a power of attorney is granted -- he's

16 the grantor.

17 THE WITNESS: Yes, sir.

18 JUDGE STEINBERG: Do you know what happens with

19 respect to power of attorney when the grantor dies?

20 THE WITNESS: No, sir.

21 JUDGE STEINBERG: Okay.

22 BY MS. LANCASTER:

23 Q Has the will -- did O. C. Brasher have a will?

24 A Yes, ma'am.

25 Q Did he die with a will?

1 Has that will been probated?

2 A When you say "probated," everything divided out
3 and -- what do you mean by "probated"?

4 Q Was the will filed with the probate court?

5 A I do not know.

6 Q Did you file it with the probate court?

7 A After his death or anything?

8 Q Yes.

9 A No.

10 Q Who has possession of the will?

11 A It's -- I think we have a copy -- I've got a copy
12 of it.

13 Q Who has got the original?

14 A I do.

15 Q Okay. And you still have the original?

16 A I still have the original.

17 Q You did not file it with the probate court?

18 A I do not believe so, no.

19 Q So there has been no probate court order regarding
20 O. C. Brasher's will; is that correct?

21 A That's correct.

22 Q Okay. There has been no probate court order
23 appointing you executor of that will then?

24 A Not that I -- I do not know, Barb -- Judy.

25 Q Okay. Has the property -- has O. C.'s property

1 been distributed?

2 A No.

3 Q Okay. Why?

4 A Decisions of the brothers, which is myself and
5 Oscar, has decided not to do that until everything gets
6 settled in his mind and my mind.

7 Q Okay. And when did O. C. die?

8 A '96.

9 Q Okay.

10 JUDGE STEINBERG: No, he died August 17, '95.

11 THE WITNESS: '95, yes. I'm sorry.

12 BY MS. LANCASTER:

13 Q So nothing has been done to any of his property
14 for almost seven years?

15 A Correct.

16 JUDGE STEINBERG: Wasn't the license transferred
17 or assigned?

18 MS. LANCASTER: I'm going to ask about that now,
19 Your Honor.

20 BY MS. LANCASTER:

21 Q The first application that was prepared for O. C.,
22 which is the -- which you previously identified or
23 characterized as the original application, was not sent into
24 the FCC; is that correct?

25 A It was sent to PCIA.

1 Q But it did not make it to the FCC; is that
2 correct?

3 A I assume it did not because the license was not
4 issued from that application.

5 Q Okay. Who prepared that application?

6 A John Black.

7 Q Okay. Who provided John Black with the
8 information to prepare the application?

9 A I did.

10 Q And when was that done?

11 A First part of -- the first application?

12 Q Yes.

13 A The same time I did the WIL999 in the first part
14 of
15 '95.

16 Q Okay.

17 A Those two license went in together.

18 Q And who signed that application?

19 A O. C. Brasher did.

20 Q Okay. And you stated the application was sent to
21 PCIA. What happened to it after that?

22 A It got hung up into PCIA with the license 999.
23 Finally a Fennell -- it's in the records -- he and I
24 discussed it with each other over the phone and also in
25 writing.

1 Q Who is "he"? You said "he and I"?

2 A PCIA.

3 Q Who at PCIA did you discuss that application with?

4 A I think it's in the documentation. I think it's
5 Fennell or something like that or --

6 (Pause.)

7 THE WITNESS: A Scott. I think maybe a Scott or
8 something.

9 (Pause.)

10 BY MS. LANCASTER:

11 Q If you had previously talked to Scott Fennell or
12 had faxed a document to Scott Fennell regarding -- strike
13 that.

14 Did you deal regularly with the same person at
15 PCIA?

16 A On that particular problem, yes, ma'am.

17 Q Okay. And you recall that person as being Scott
18 Fennell that you talked to?

19 A There is little notes in the documentation and
20 stuff that we furnished you showing his -- his answers back
21 to me in a file showing where we sent the application in
22 with the checks and also discussed the problems with that
23 WIL999 license. 999 was my major license for Dallas. And
24 at the same time I sent in mine, I sent in O. C.'s for
25 Allen.

1 Q Okay. And you are saying you supplied the
2 Commission with copies of documentation showing that the
3 information was sent to PCIA?

4 A Yes, ma'am.

5 Q Okay.

6 A I think I have even seen it in some of your
7 documentations here.

8 Q Okay, I don't --

9 MR. ROMNEY: Exhibit 3.

10 MS. LANCASTER: Okay. I don't know what you're
11 talking about.

12 MR. ROMNEY: Ron Brasher.

13 JUDGE STEINBERG: That the 1996 application.

14 MS. LANCASTER: Exhibit 3 pertains to the 1996
15 license. I'm asking at this point about the earlier license
16 application in 1995.

17 MR. ROMNEY: No, I'm talking of Exhibit 3 to his
18 deposition. Excuse me.

19 MS. LANCASTER: Oh, I'm sorry.

20 MR. ROMNEY: Yeah, Exhibit 3 to Ron Brasher's
21 deposition was the '95 O. C. Brasher. I've copies if you
22 want them.

23 (Pause.)

24 MS. LANCASTER: Yeah. May I see a copy?

25 MR. ROMNEY: You bet.

1 MS. LANCASTER: Thank you.

2 MR. ROMNEY: Permission to approach, Your Honor.

3 JUDGE STEINBERG: You don't need permission. As
4 long you don't hit each other.

5 (Laughter.)

6 JUDGE STEINBERG: Thank you.

7 (Pause.)

8 BY MS. LANCASTER:

9 Q Okay, as far as you know, did the 1995 application
10 that you've testified you sent into PCIA, did it receive a
11 control number from PCIA?

12 JUDGE STEINBERG: Wait. Can we -- let's get this
13 thing marked.

14 MS. LANCASTER: Okay.

15 JUDGE STEINBERG: Because I have a lot of
16 questions on this thing. This is -- you want to make it
17 your exhibit or Bureau exhibit? I don't really care.

18 MR. ROMNEY: I'll be happy to, Your Honor. It
19 didn't come to my attention until last night going through
20 all these documents in fine detail that it wasn't a part of
21 the record, but it's part of the deposition exhibits, and I
22 just expected that it would be in here.

23 JUDGE STEINBERG: Do you want to make it a Bureau
24 exhibit?

25 MS. LANCASTER: That's fine.

1 JUDGE STEINBERG: Okay. Mark this EB Exhibit 68,
2 and it's FCC Form --

3 MR. ROMNEY: Six hundred.

4 JUDGE STEINBERG: -- 600, and we'll say dated June
5 29, 1995, and it's nine pages long.

6 (The document referred to was
7 marked for identification as
8 Enforcement Bureau Exhibit No.
9 68.)

10 MS. LANCASTER: I have nine pages, Your Honor.

11 MR. ROMNEY: Yes, sir, that's what I have.

12 JUDGE STEINBERG: Okay, Mr. Brasher, why don't you
13 give that to me and I'll just put a number on it. Let's
14 see, EB Exhibit 68. And I've put numbers on each pages with
15 a little circle. If somebody could get two copies of it to
16 the reporter.

17 MS. LANCASTER: Do you have extra copies? We have
18 one and Lawrence can go make a couple of copies. Thank you
19 Lawrence.

20 BY MS. LANCASTER:

21 Q Mr. Brasher, is it your understanding that PCIA
22 assigned a control number to the application that you
23 supposedly submitted in 1995 in the name of O. C. Brasher?

24 A PCIA was looking for this, and they had indicated
25 in the conversation here that it was mixed up with the

1 WIL999 license.

2 Q Okay.

3 A You almost have to look at that one to see what
4 the problems they incurred.

5 Q Now, when you say "indicated here," you're
6 referring to EB Exhibit No. 68?

7 A Yes, ma'am.

8 Q Okay.

9 A This ties --

10 Q Is there -- I'm sorry.

11 A This ties in close with WIL999.

12 Q Is there anything on EB Exhibit No. 68 -- is there
13 any page of this exhibit which came to you from PCIA?

14 A Only from the messages Scott had left, and also
15 the letter referring to the frequencies that was confused
16 with 999, 990, I'm sorry.

17 Q There is a message on the last page of this
18 exhibit. Is that the message you're talking about?

19 A Yes, that's where he is returning the parts of the
20 O. C. Brasher's application. They finally found it mixed up
21 in a bunch of stuff, and they admitted it. And he's sending
22 the other 999 on over for FCC processing. And I got back
23 part of the O. C. file.

24 Q So there was never a PCIA control number assigned
25 to this application though; is that your testimony --

1 A I've never received on.

2 Q -- as you understand it?

3 A I've never received one.

4 Q Okay. And did you ever receive any type of letter
5 from PCIA specifically concerning this application, this
6 application being the application shown in EB Exhibit 68?

7 Did they send you a letter or anything in writing
8 from someone at PCIA that says, "we've received this, we're
9 sending back for whatever reason"?

10 A I received copies of part of the application back,
11 and I think even John Black received copies back because he
12 was involved trying to get this thing straightened out with
13 me.

14 Q Okay. When you say you received it back, did you
15 receive it back with any type of letter or something that
16 would document that it came from PCIA?

17 A Only, Barbara -- I keep calling you Barbara --
18 Judy, I don't -- it had to have been some kind of little
19 notes on it, or you know, scribble on it or something in a
20 PCIA envelope.

21 Q Okay. But you don't have --

22 A And it didn't -- it didn't seem that important to
23 me at that time to save, you know, little, bitty scratches.
24 I wished the hell I did, but I didn't, you know.

25 Q Okay. So you don't have anything that would

1 indicate that this was sent back to you from PCIA?

2 A Only with -- and we may want to pull the WIL990
3 license and review that piece of the paper because it ties
4 in real close. These two got mixed up together.

5 Q Okay. Is there anything that came back to you
6 with the WIL999 license that would indicate that this
7 application had been received by PCIA?

8 A I would have to look at that in our files here to
9 see for sure, and we do have it here. I'm told it was sent.

10 JUDGE STEINBERG: Well, Exhibit 68 that you got in
11 front of you.

12 THE WITNESS: Yes, sir.

13 JUDGE STEINBERG: Now, is that what you have been
14 referring to as the original O. C. application?

15 THE WITNESS: That's correct. Yes, sir.

16 JUDGE STEINBERG: Okay, and look at page 2.

17 THE WITNESS: Yes, sir.

18 JUDGE STEINBERG: And the signature block and the
19 date, who wrote that?

20 THE WITNESS: O. C. Brasher did. I did the date
21 over here.

22 JUDGE STEINBERG: O. C. Brasher, that's his
23 signature?

24 THE WITNESS: That's his signature.

25 JUDGE STEINBERG: Okay, compare that signature --

1 I know you are layman, which means you're not a handwriting
2 expert -- with Exhibit 3 -- no, that's a bad example.

3 THE WITNESS: Here is some checks that O. C.
4 Brasher wrote.

5 JUDGE STEINBERG: Okay. Now -- never mind. I'm
6 going to drop it.

7 BY MS. LANCASTER:

8 Q Let me ask you about those checks that you just
9 referred to that are in EB Exhibit 68, Mr. Brasher. There
10 appears to be two checks, No. 385 and 387, that are payable
11 to the tax collector. One is -- 385 is payable to the
12 Dallas Tax Collector, and 387 is payable to the Mesquite Tax
13 something.

14 Why are those checks attached to this exhibit?
15 How do they relate to this exhibit?

16 A Somewheres along the line they sent for a
17 signature. That's a copy of his original signature.

18 Q Okay. So it's your testimony that the signature
19 on these two checks was written by O. C. Brasher?

20 A That's correct.

21 Q Okay.

22 A If you also look, Judy, if you would look on page
23 1 up at the top, it says P-A-R No. 2. This is documentation
24 that was in response to inquiry by FCC, and that was the
25 paragraph number that match whatever question it was. So